

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**COMMAND AUDIT OF THE
OCEANSIDE AREA**



FINAL REPORT

JULY 6, 2010

M e m o r a n d u m

Date: July 6, 2010

To: Office of the Commissioner
Attention: Commissioner J. A. Farrow

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Office of Inspector General

File No.: 005.9968.A13471.010

Subject: FINAL 2009 COMMAND AUDIT REPORT OF THE OCEANSIDE AREA

In accordance with the Institute of Internal Auditors, *International Standards for the Professional Practice of Internal Auditing* §2440, issued by the Institute of Internal Auditors, Government Code §13887(a)(2), and the California Highway Patrol Audit Charter, I am issuing the 2009 Command Audit Report of the Oceanside Area. The audit focused on the command's Driving Under the Influence and Asset Forfeiture Programs.

The audit revealed the command has adequate operations. However, some issues were observed. This report presents suggestions for management to improve on some of its operations. In doing so, operations would be strengthened and the command would ensure it is operating in compliance with policies and procedures. We have included our specific findings, recommendations, and other pertinent information in the report. The Oceanside Area agreed with all of the findings and plans to take corrective action to improve its operations.

The Oceanside Area will be required to provide a 30 day, 60 day, six month, and one year response on its corrective action plan implementation. If identified issues are resolved and addressed during any phase of the above reporting period, no future action is required on their behalf. Also, the Office of Inspector General plans on conducting a follow-up review within one year from the date of the final report.

Additionally, in accordance with the *International Standards for the Professional Practice of Internal Auditing* and Government Code §13887(a)(2), this report, the response, and any follow-up documentation is intended for the Office of the Commissioner; Office of the Assistant Commissioner, Field; Office of Inspector General; Office of Legal Affairs; Border Division; and the Oceanside Area. Please note this report restriction is not meant to limit distribution of the report, which is a matter of public record pursuant to Government Code §6250 et seq.

Furthermore, in accordance with the Governor's Executive Order S-20-09 to increase government transparency, the final audit report, including the response to the draft audit report,

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will be posted on the CHP's internet website, and on the Office of the Governor's webpage, located on the State's Government website.

The Office of Inspector General would like to thank the Oceanside Area's management and staff for their cooperation during the audit. If you need further information, please contact Captain Ernie Sanchez at (916) 843-3160.

A handwritten signature in black ink, appearing to read "M. C. A. Santiago". The signature is stylized with a large, sweeping "S" for the last name.

M. C. A. SANTIAGO/CIG, CLEA
Deputy Commissioner

cc: Office of the Assistant Commissioner, Field
Border Division
Oceanside Area
Office of Legal Affairs
Office of Inspector General, Audits Unit

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

COMMAND AUDIT OF THE OCEANSIDE AREA

OFFICE OF INSPECTOR GENERAL, AUDITS UNIT

JULY 6, 2010

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EXECUTIVE SUMMARY

The Commissioner has the responsibility, by statute, to enforce laws regulating the operation of vehicles and use of highways in the State of California and to provide the highest level of safety, service, and security to the people of California. Consistent with the California Highway Patrol's (CHP) 2009 Audit Plan, the Office of the Commissioner directed the Office of Inspector General, Audits Unit, to perform an audit of the Oceanside Area.

The CHP's 2008-2010 Strategic Plan highlights the mission statement which includes five broad strategic goals designed to guide the CHP's direction. One strategic goal is to continuously look for ways to improve the efficiency and/or effectiveness of departmental operations.

The objective of the audit is to determine if the command has complied with operational policies and procedures regarding the Driving Under the Influence (DUI) Cost Recovery and Asset Forfeiture Programs. Additionally, this audit will provide managers with reasonable, but not absolute, assurance that departmental operations are being properly executed. The audit period was from January 1, 2008 through January 31, 2009. However, to provide a current evaluation of the command, primary testing was performed of business conducted during the period of July 1, 2008 through January 31, 2009. The audit included a review of existing policies and procedures, as well as, examining and testing of recorded transactions to determine compliance with established policies, procedures, and good business practices. The audit field work was conducted from March 16 – 20, 2009.

Sample selection for this audit was primarily random. However, if a judgmental sample was necessary, the auditor selected accordingly. Whenever possible, the use of risk assessment was used to select a sample containing the highest probability of risk to the command.

Based on the review of the Oceanside Area's operations, this audit revealed the Oceanside Area has complied with most operational policies. However, some issues were observed. The following is a summary of the identified issues:

DUI Cost Recovery Program

- The billable hours recorded on the CHP 735, Incident Response Reimbursement Statement, could not be reconciled to the hours recorded on the CHP 415, Daily Field Record.
- The command did not prepare CHP 415, Daily Field Record, documents properly for the DUI Cost Recovery Program.
- The command did not complete their DUI Cost Recovery Program documents accurately.
- The command sought reimbursement from DUI defendants when it was not entitled to seek recovery.



Asset Forfeiture Program

- The command's asset forfeiture coordinator did not receive training on an annual basis nor did the asset forfeiture coordinator provide training to the command staff.
- The command did not maintain their Memorandums of Understanding with local allied law enforcement agencies.

Please refer to the Findings and Recommendations section for detailed information.

AUDIT REPORT

INTRODUCTION

To ensure the California Highway Patrol's (CHP) operation is efficient and/or effective and internal controls are in place and operational, the Office of the Commissioner directed the Office of Inspector General, Audits Unit, to perform an audit of the Oceanside Area.

The CHP's 2008-2010 Strategic Plan highlights the mission statement which includes five broad strategic goals designed to guide the CHP's direction. One strategic goal is to continuously look for ways to improve the efficiency and/or effectiveness of departmental operations. This audit will assist the CHP in meeting its goal.

OBJECTIVE AND SCOPE

The objective of the audit is to determine if the command has complied with operational policies and procedures regarding the Driving Under the Influence (DUI) Cost Recovery and Asset Forfeiture Programs that provide managers with reasonable, but not absolute, assurance departmental operations are being properly executed. The audit period was from January 1, 2008 through January 31, 2009. However, to provide a current evaluation of the command, primary testing was performed of business conducted during the period July 1, 2008 through January 31, 2009. This audit included the review of existing policies and procedures, as well as, examining and testing recorded transactions to determine compliance with established policies, procedures, and good business practices. The audit field work was conducted from March 16 – 20, 2009.

METHODOLOGY

Under the direction by the Office of the Commissioner, each command was randomly selected to be audited regarding its DUI Cost Recovery and Asset Forfeiture Programs. Sample selection of areas to be audited was primarily random and judgmental. Whenever possible, the use of risk assessment was used to select a sample containing the highest probability of risk to the command.

There were no prior audit reports or findings of this command.

OVERVIEW

DUI Cost Recovery Program: The command was compliant with most state laws and departmental policies and has adequate internal controls regarding their DUI Cost Recovery Program. The billable hours recorded on the CHP 735, Incident Response Reimbursement Statement, could not be reconciled to the hours recorded on the CHP 415, Daily Field Record; the command did not prepare CHP 415, Daily Field Record, documents properly for the

DUI Cost Recovery Program; the command did not always complete their DUI Cost Recovery Program documents accurately; and the command sought reimbursement from DUI defendants when it was not entitled to recovery.

Asset Forfeiture: The command was compliant with most state laws and departmental policies and has adequate internal controls regarding their Asset Forfeiture Program. The command's asset forfeiture coordinator did not receive training on an annual basis nor did the asset forfeiture coordinator provide training to the command staff and did not maintain their Memorandums of Understanding with local allied law enforcement agencies.

This audit revealed the command has adequate operations, nevertheless, issues were discovered, which if left unchecked could have a future negative impact on the command and CHP operations. These issues should be addressed by management to maintain the command's compliance with appropriate laws, regulations, policies, and procedures. The findings and appropriate recommendations are presented in this report.

As a result of changing conditions and the degree of compliance with policies and procedures, the efficiency and effectiveness of operations change over time. Specific limitations may hinder the efficiency and effectiveness of an otherwise adequate operation include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, fraud, and management overrides. Establishing compliant and safe operations and sound internal controls would prevent or reduce these limitations; moreover, an audit may not always detect these limitations.

FINDINGS AND RECOMMENDATIONS

DRIVING UNDER THE INFLUENCE (DUI) COST RECOVERY PROGRAM

FINDING 1: **The billable hours recorded on the CHP 735, Incident Response Reimbursement Statement, could not be reconciled to the hours recorded on the CHP 415, Daily Field Record.**

Condition: From a population of 131 CHP 735 billing packages, 56 or approximately 43 percent of the packages were tested. In all 56 packages tested, the command did not correctly record the number of staff hours involved in the DUI incident response. The auditor was unable to reconcile the billable hours recorded on the CHP 735 to the hours recorded on the CHP 415.

Criteria: Government Code Section 13403(a)(3), (4), and (6) says the elements of a satisfactory system of internal accounting and administrative control, shall include, but are not limited to, the following: A system of authorization and recordkeeping procedures adequate to provide effective accounting control over assets, liabilities, revenues, and expenditures; an established system of practices to be followed in performance of duties and functions in each of the state agencies; and an effective system of internal review.

Highway Patrol Manual (HPM) 11.1, Administrative Procedure Manual, Chapter 20, Driving Under the Influence (DUI) Cost Recovery Program, paragraph 4.e.(2)(c) states,

“(c) The number of staff hours charged on the CHP 735, Incident Response Reimbursement Statement, must agree with the appropriate CHP 415, Daily Field Record. Area office must be able to verify the hours claimed on the CHP 735, Incident Response Reimbursement Statement, when offenders challenge the hours billed. If an Area office cannot substantiate the hours billed, the Department cannot recover incident costs. In order to reconcile the hours, please ensure the following information is included:

1 Offender’s name and court case number shall be included on the CHP 415, Daily Field Record.

2 When time recorded under a specific category (e.g., Accident Investigation, Partner Assist, Response Time) on the CHP 415, Daily Field Record, includes more than one activity, indicate the billable DUI time in the Notes portion on the CHP 415, Daily Field Record.”

Recommendation: The command should comply with the departmental policy by reconciling billable hours recorded on the CHP 735 to the hours recorded on the CHP 415.

FINDING 2: **The command did not prepare CHP 415, Daily Field Record, documents properly for the DUI Cost Recovery Program.**

Condition: From a population of 131 CHP 735 billing packages, 56 or approximately 43 percent of the packages were selected for testing. In all 56 packages, the CHP 415 did not record the DUI offender's name, court case number, and billable DUI time.

Criteria: Government Code Section 13403(a)(3), (4), and (6) says the elements of a satisfactory system of internal accounting and administrative control, shall include, but are not limited to, the following: A system of authorization and recordkeeping procedures adequate to provide effective accounting control over assets, liabilities, revenues, and expenditures; an established system of practices to be followed in performance of duties and functions in each of the state agencies; and an effective system of internal review.

HPM 11.1, Administrative Procedure Manual, Chapter 20, Driving Under the Influence (DUI) Cost Recovery Program, paragraph 4.e.(2)(c) states,

“(c) The number of staff hours charged on the CHP 735, Incident Response Reimbursement Statement, must agree with the appropriate CHP 415, Daily Field Record. Area office must be able to verify the hours claimed on the CHP 735, Incident Response Reimbursement Statement, when offenders challenge the hours billed. If an Area office cannot substantiate the hours billed, the Department cannot recover incident costs. In order to reconcile the hours, please ensure the following information is included:

1 Offender's name and court case number shall be included on the CHP 415, Daily Field Record.

2 When time recorded under a specific category (e.g., Accident Investigation, Partner Assist, Response Time) on the CHP 415, Daily Field Record, includes more than one activity, indicate the billable DUI time in the Notes portion on the CHP 415, Daily Field Record.”

Recommendation: The command should prepare CHP 415 documents in accordance with DUI Cost Recovery Program departmental policy.

FINDING 3: **The command did not complete their DUI Cost Recovery Program documents accurately.**

Condition:

From a population of 131 CHP 735 billing packages, 56 or approximately 43 percent of the packages were selected for testing. In all 56 CHP 735 packages examined, one or more sections of the CHP 735 were not completed by command staff. Missing sections included a minimum of one of the following: the court case number, the defendant's social security number, the Blood Alcohol Concentration (BAC) results received dates and/or the court name.

Criteria:

Government Code Section 13403(a)(3), (4), and (6) says the elements of a satisfactory system of internal accounting and administrative control, shall include, but are not limited to, the following: A system of authorization and recordkeeping procedures adequate to provide effective accounting control over assets, liabilities, revenues, and expenditures; an established system of practices to be followed in performance of duties and functions in each of the state agencies; and an effective system of internal review.

HPM 11.1, Administrative Procedures Manual, Chapter 20, DUI Cost Recovery Program, paragraphs 4 b., c., d., e., f., g., h., and i. states,

"b. Completion of CHP 735, Incident Response Reimbursement Statement. The cost recovery criterion is separated into two separate sections on the CHP 735, Incident Response Reimbursement Statement: Section A or Section B. Section A shall be completed when the billing is based on arrest. Section B shall be completed when the billing is based on conviction. Forward only those forms which meet ALL the criteria in either Section A or Section B; only one section shall be completed per case.

(1) Completed CHP 735s, Incident Response Reimbursement Statements, based on Section A (refer to Annex B) shall be forwarded to Fiscal Management Section (FMS), Reimbursable Services Unit, within ten business days of one of the following dates:

(a) The date BAC results of .08% or greater are received.

(b) The date BAC results of .04% or greater are received for a commercial driver.

(2) Completed CHP 735s, Incident Response Reimbursement Statements, based on Section B (refer to Annex C) shall be forwarded to FMS, Reimbursable Services Unit, within ten business days of the notification of a conviction of CVC Sections 23152, 23153, or greater offense as a result of one of the following:

(a) In the case of a refusal.

(b) An arrest for drugs only.

(c) A BAC of less than .08%.

c. Defendant. Include the offender's name and address, date of birth, arrest date, social security number (if available), and driver's license number. NOTE: If the defendant is a transient, log on the CHP 735A, Case Log - DUI Cost Recovery Program (refer to Annex D), but DO NOT forward CHP 735, Incident Response Reimbursement Statement, to FMS.

d. Court. Include the name of the court, court case number, and conviction date (if applicable).

e. Recording Total Staff Hours. Record the total number of staff hours involved in the incident response.

(1) Record staff hours to the nearest ten minutes. For example: one hour, thirty minutes = 1:30.

NOTE: Half-hour increments are recorded as: **30** not: 50.

(2) Record the number of staff involved in the incident response.

(a) When only one officer is involved, write his/her name and ID number under each respective category along with the appropriate hours.

(b) When more than one officer is involved, list each one by name and ID number next to the applicable activity, then record the hours for each activity. FormFlow will add all officer hours and total them in the Total Hours column. If the number of officers per activity exceeds the number of lines available, record the information under Traffic Control.

(c) The number of staff hours charged on the CHP 735, Incident Response Reimbursement Statement, must agree with the appropriate CHP 415, Daily Field Record. Area offices must be able to verify the hours claimed on the CHP 735, Incident Response Reimbursement Statement, when offenders challenge the hours billed. If an Area office cannot substantiate the hours billed, the Department cannot recover incident costs. In order to reconcile the hours, please ensure the following information is included:

1 Offender's name and court case number shall be included on the CHP 415, Daily Field Record.

2 When time recorded under a specific category (e.g., Accident Investigation, Partner Assist, Response Time) on the CHP 415, Daily Field Record, includes more than one activity, indicate the billable DUI time in the Notes portion on the CHP 415, Daily Field Record.

f. Staff Activity (Officer). The following activities will be included in total staff time billing for which offenders are liable:

- (1) Response Time.
- (2) On-Scene Investigation.
- (3) Follow-up Investigation.
- (4) Report Writing.
- (5) Vehicle Storage.
- (6) Call Back.
- (7) Field Sobriety Testing.
- (8) Transportation.
- (9) Booking.
- (10) Chemical Testing.
- (11) Traffic Control.

g. Other Involved Staff. Include time expended for incident investigation, vehicle storage, or in-custody activity by officers-in-charge, sergeants, lieutenants, or captains. Do not include their supervision time for these activities.

h. Total Hours. FormFlow will add all hours and minutes charged to the incident and record them in the appropriate box at the bottom of the Total Hours column.

i. Total Costs. FormFlow will multiply the number of response hours and minutes times the current hourly rate and enter the amount in the appropriate box. The hourly rates are sent out to all Area offices via Comm-Net from FMS."

Recommendation: The command should complete their DUI Cost Recovery Program related documents accurately in order to comply with the departmental policy.

FINDING 4: **The command sought reimbursement from DUI defendants when it was not entitled to recovery.**

Condition: From a population of 131 CHP 735 billing packages, 56 or approximately 43 percent of the packages were selected for testing. Based upon information contained within the CHP 556, Narrative/Supplemental, documents, there were three instances where the command sought reimbursement from the DUI defendant when it was not entitled to recovery. In two of the instances, according to the CHP 556, the command sought reimbursement from DUI defendants when the incidents originated from an allied law enforcement agency "turned over" DUI investigation to the CHP. In the remaining instance, according to the CHP 556, the investigating officer came upon the incident while on routine patrol.

Criteria: Highway Patrol Comm-Net message dated December 6, 2006, states,
"DATE: 12/07/2006 1100 HRS

TO: ALL COMMANDS

SUBJECT: DRIVING UNDER THE INFLUENCE (DUI) COST
RECOVERY PROGRAM

THIS COMM-NET IS TO CLARIFY POLICY CONTAINED IN HPM 11.1, ADMINISTRATIVE PROCEDURES MANUAL, CHAPTER 20, PERTAINING TO THE DUI COST RECOVERY PROGRAM. RECENTLY, THERE HAVE BEEN INQUIRIES REGARDING WHAT CIRCUMSTANCES PERMIT THE DEPARTMENT TO SEEK DUI COST RECOVERY. GENERALLY, THE DEPARTMENT WILL SEEK COST RECOVERY FOR ANY INCIDENT IN WHICH AN OFFICER IS DISPATCHED TO A CALL RESULTING IN A DUI ARREST OF A DRIVER WITH A SUPPORTING BLOOD ALCOHOL CONCENTRATION (BAC). AS A REMINDER, THE FOLLOWING ARE EXAMPLES OF INCIDENTS RESULTING IN ARREST IN WHICH THE DEPARTMENT WOULD SEEK COST RECOVERY:

* DISPATCHED TO A CALL FOR SERVICE (E.G., VEHICLE BLOCKING ROADWAY, DISABLED MOTORIST, PARTY SLUMPED OVER THE WHEEL) INVOLVING A DUI DRIVER.

* DISPATCHED TO A TRAFFIC COLLISION RESULTING IN A DUI ARREST OF DRIVER DETERMINED TO HAVE CAUSED THE COLLISION.

HOWEVER, THE DEPARTMENT WILL NOT SEEK COST RECOVERY FROM ANY INCIDENT, INCLUDING A TRAFFIC COLLISION, WHICH AN OFFICER ENCOUNTERS ON PATROL. IN ADDITION, CONTRARY TO INFORMATION CONTAINED IN A PREVIOUS COMM-NET, THE DEPARTMENT WILL NOT SEEK

COST RECOVERY FOR ANY ALLIED AGENCY DUI TURNOVER, REGARDLESS OF HOW THE ALLIED AGENCY CAME UPON THE DRIVER.”

Recommendation: The command should comply with the departmental policy for the DUI Cost Recovery Program when seeking reimbursement.

ASSET FORFEITURE PROGRAM

FINDING 1: **The command’s asset forfeiture coordinator did not receive training on an annual basis nor did the asset forfeiture coordinator provide training to command staff.**

Condition: The command’s asset forfeiture coordinator has not received training from the Division asset forfeiture coordinator on an annual basis. Training was last received from the office of primary interest over the Asset Forfeiture Program in April 2007. Moreover, the command asset forfeiture coordinator has not providing training to command staff.

Criteria: Government Code Section 13403(a)(4) and (6) says the elements of a satisfactory system of internal accounting and administrative control, shall include, but are not limited to, the following: An established system of practices to be followed in performance of duties and functions in each of the state agencies; and an effective system of internal review.

HPM 81.5, Drug Programs Manual, Chapter 2, Asset Forfeiture Program, paragraph 21 b., states,

“21. ASSET FORFEITURE TRAINING.

b. Area AFCs shall provide training for Area supervisors, officers, and affected non-uniformed personnel at least once a year. Area AFCs shall ensure officers are made aware of local MOUs with allied agencies/NTFs regarding turnover of arrests for controlled substance violations and are familiar with the legal requirements and departmental policies/procedures related to the seizure of assets.”

Recommendation: The command should comply with the departmental policy regarding asset forfeiture training.

FINDING 2: **The command did not maintain their Memorandums of Understanding (MOU) with local allied law enforcement agencies.**

Condition: The command maintains four MOUs with local allied law enforcement agencies; however, the command has not reviewed the MOUs on an annual basis. Moreover, recent asset forfeiture seizures originating from the command have been turned over to a narcotics task force (NTF) for which the command does not maintain a MOU. The command’s asset

forfeiture coordinator was very knowledgeable of the minimum call out requirements for NTF seizures.

Criteria:

Government Code Section 13403(a)(4) and (6) says the elements of a satisfactory system of internal accounting and administrative control, shall include, but are not limited to, the following: An established system of practices to be followed in performance of duties and functions in each of the state agencies; and an effective system of internal review.

HPM 81.5, Drug Programs Manual, Chapter 2, Asset Forfeiture Program, paragraph 4, states,

"4. MEMORANDUM OF UNDERSTANDING.

a. Area commanders should develop appropriate Memorandums of Understanding (MOUs) with all allied law enforcement agencies and/or NTFs within their geographical jurisdictions for cases involving asset seizures and drug arrests initiated by CHP personnel not assigned to an NTF. This requirement can be satisfied by establishing separate MOUs with individual agencies and/or with multiple agencies via county chiefs of police associations or the local NTF. A sample MOU is contained in Annexes 2-B-1 through 2-B-3. This sample may not be adequate for every Area; conversely, it may be too detailed for some circumstances. However, at a minimum, MOUs shall address the allied agency's/NTF's minimum criteria for being called out to drug arrests, cash handling procedures, and asset forfeiture equitable share distributions.

b. Annual Review. Area AFCs shall review their respective MOUs annually in order to ensure the agreements are current. Area AFCs shall forward copies of renewed MOUs to their Division no later than February 1 of each year. Divisions shall forward copies to FSS no later than March 1. For MOUs not requiring renewal, the Area AFC shall sign and date the MOU on the signature page with the notation "Reviewed - no changes required."

c. Change of Command. When there is a change of command within the CHP, it is not necessary to renew asset forfeiture MOUs currently in effect unless the incoming commander wishes to make changes to an existing MOU. When there is a change of command within an allied agency/NTF, the MOU should be renegotiated with the new commander.

d. Distribution. Two copies of newly established or revised MOUs shall be forwarded to the Division AFC. The Division AFC shall forward a copy to FSS."

Recommendation: The command should update and maintain MOUs on an annual basis.

CONCLUSION

Based on the review of the command's operation, this audit revealed the command has adequate operations. However, some issues were observed. This report presents suggestions for management to improve on some of its operations. In doing so, operations would be strengthened and the command would operate in accordance with departmental policies and procedures.

ANNEX

A

Memorandum

Date: June 15, 2010

To: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Border Division

File No.: 601.9857.16472

Subject: OCEANSIDE AREA'S RESPONSE TO 2009 COMMAND AUDIT – DUI
COST RECOVERY & ASSET FORFEITURE

Attached is Oceanside Area's response to the 2009 Command Audit – DUI Cost Recovery & Asset Forfeiture Inspection recently conducted by personnel from your office.

The Area commander has closely reviewed the findings and recommendations contained within the final report and concurs with the evaluator's findings.

I concur with the commander's actions in this matter and am satisfied identified deficiencies have been properly addressed.


G. A. DOMINGUEZ, Chief

Attachment

cc: Oceanside Area



Safety, Service, and Security

ANNEX

B

M e m o r a n d u m

Date: June 8, 2010

To: Border Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Oceanside Area

File No.: 650.12838.9484

Subject: RESPONSE TO COMMAND AUDIT

This memorandum is intended to serve as the written response to the command audit report of the San Diego Area as required by the Office of Assistant Commissioner, Inspector General's memorandum dated January 11, 2010.

FINDINGS & RECOMMENDATIONS:**DUI COST RECOVERY PROGRAM:**

Finding 1 – The command did not always reconcile billable hours on the CHP 735 with hours recorded on the CHP 415s, Daily Field Record.

Recommendation – The command should comply with departmental policy requiring the reconciliation of the times on the CHP 735 with those on the CHP 415.

Response – The Area concurs with the finding and recommendation. Additional training has been provided to the supervisors, officers and clerical personnel on this subject. An additional layer of review (sergeants) has been included in the process and corrective action is taken proactively.

Finding 2 – The command did not prepare CHP 415s, Daily Field Record, properly for the DUI Cost Recovery Program.

Recommendation – The command should prepare their DUI Cost Recovery Program documents accurately.

Response – The Area concurs with the finding and recommendation. Additional training has been provided to the supervisors, officers and clerical personnel on this subject. An additional layer of review (sergeants) has been included in the process and corrective action is taken proactively.

Finding 3 – The command did not complete their DUI Cost Recovery Program documents correctly and in a timely manner.

Recommendation: The command should complete their DUI Cost Recovery Program documents accurately and in compliance with policy.

Response – The Area concurs with the finding and recommendation. The turn around time on CHP 735s has been reduced. A computer link (ARJIS) to the local court system has been established. This makes tracking of convictions; for the “B” section of Page of the CHP 735, much more efficient. The assigned clerk established a suspense system using ARJIS to track progress on applicable cases. As previously stated, additional training has been provided to the supervisors, officers and clerical personnel on this subject. An additional layer of review (sergeants) has been included in the process and corrective action is taken proactively.

Finding 4 – The command sought reimbursement from DUI defendants when it was not entitled to recovery.

Recommendation: The command should comply with policy in seeking reimbursement.

Response – The Area concurs with the finding and recommendation. Additional training and awareness on what constitutes a billable ‘emergency’ and what does not has occurred. Briefing discussions and much more intense review of all the related documents is now the order of the day. Area feels that there is no longer any confusion on the turn-over issue.

ASSET FORFEITURE PROGRAM

Finding 1 – The command’s asset forfeiture coordinator did not receive training on an annual basis and did not provide training to command staff.

Recommendation: The command should comply with policy regarding annual training.

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Response – The Area concurs with the finding and recommendation. Additional training has been recently provided to the asset forfeiture coordinator, back-up AFC and supervisor.

Finding 2 – The command did not maintain their Memoranda of Understanding (MOU) with local allied law enforcement agencies.

Recommendation: The command should update and review, annually, the MOUs with allied agencies.

Response – The Area concurs with the finding and recommendation. The MOUs will be reviewed and updated, as appropriate, at the first opportunity with the appropriate heads of agency.

Questions regarding this response may be directed to Lieutenant Golonski via e-mail at pgolonski@chp.ca.gov or by telephone at (760) 757-1675.



D. SCHRODER, Captain
Commander
Oceanside Area

cc: Office of the Assistant Commissioner, Field
Border Division